

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
www.flmb.uscourts.gov**

In re:

**CASE NO.: 3:18-bk-01164-JAF
CHAPTER 11**

EIHAB H. TAWFIK, M.D., P.A.,

**Emergency Hearing Requested on or before
Friday, April 13, 2018**

Debtor.

**DEBTOR'S EMERGENCY MOTION FOR AUTHORITY
TO PAY PREPETITION WAGE CLAIMS
AND REQUEST FOR EMERGENCY PRELIMINARY HEARING**

EIHAB H. TAWFIK, M.D., P.A., a Florida professional association (the "Debtor"), by and through its undersigned counsel, moves pursuant to 11 U.S.C. §§ 105(a), 363(b), 507(a) and Local Rule 2081(f)(3) for authority to pay prepetition wages to its employees (the "Motion"), and requests an emergency preliminary **hearing on or before April 13, 2018** to consider the relief requested herein. In support of the Motion, Debtor states as follows:

Description of the Debtor's Business and Employees

1. On April 11, 2018 (the "Petition Date"), the Debtor filed its petition for relief under Chapter 11 of Title 11 of the United States Code ("Code"). No trustee has been appointed and the Debtor continues to operate its business and manage its property as a debtor-in-possession under §§ 1107 and 1108 of the Code.

2. The factual background relating to the Debtor, including its current and historical business operations and the events precipitating its chapter 11 filing, is set forth in detail in Debtor's Case Management Summary, filed concurrently with this Motion and incorporated herein by reference.

3. The Debtor has continued in possession of its property and has continued to operate and manage its business as a debtor in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

4. As of the Petition Date, the Debtor employs (31) salaried employees (the “Employees”), which includes Eihab H. Tawfik (Director/President and 100.00% shareholder). The Employees perform a variety of functions in the areas of medical care, management, accounting and billing for the Debtor’s medical practice.

5. The Employees are paid their bi-weekly salary for services performed during the prior two-week period.

Relief Requested

6. Debtor seeks authorization to pay the Employees’ wages for the pre-petition period from March 25, 2018 through April 7, 2018, which are scheduled to be paid on April 13, 2018 (the “April 13 Pay Period”), and the wages for three-day prepetition period of April 8, 2018 through April 10, 2018 (the “April 27 Pay Period”), which are scheduled to be paid in the ordinary course of business on April 27, 2018 (collectively referred to herein as the “Prepetition Pay Periods”).

7. It is essential that the Debtor obtain authorization to pay the wages earned by the Employees during the Prepetition Pay Periods (the “Prepetition Wages”) to maintain the continuity of the Debtor’s business and to preserve the morale of its employees, which are vital to the operation of the Debtor’s business. If the Debtor is not permitted to pay the Employees their compensation due as of the Petition Date, Employees will not receive payment for services already performed, which would irreparably harm the Employees’ morale at the time their

services are most needed by the Debtor. As such, without the requested relief, Debtor's reorganization would be substantially jeopardized. Moreover, Debtor's payment of the prepetition wage claims in the ordinary course of business will not prejudice its general unsecured creditors or materially affect the Debtor's estate as these claims are entitled to priority under sections 507(a)(4) and 507(a)(8)(D) of the Bankruptcy Code and must be paid ahead of general unsecured claims.

8. For the Prepetition Pay Periods, the Debtor will owe Employees approximately \$40,782.81 for the April 13 Pay Period (gross amount including state and federal withholding taxes), and an estimated \$8,739.17 for the April 27, 2018 Pay Period (estimated amount based on the payroll report for the April 13 Period). See Payroll Report attached hereto as Exhibit A. The Prepetition Wages include approximately \$7,606.97 in Social Security, Medicare, and State and Federal income tax withholding.

9. For the Prepetition Pay Period, no Employee is scheduled to receive compensation in excess of \$12,850.00, the limit set forth in 11 U.S.C. § 507(a)(4).

10. It is in the best interests of the creditors that the requested payments be authorized. The Debtor's chances of reorganization depend heavily upon the Employees' continued services, and creditors will fair significantly worse if the Debtor is unable to successfully reorganize. Accordingly, the Debtor requests authorization to pay the prepetition wages owed to the Employees when such compensation becomes due in the ordinary course of business.

WHEREFORE, the Debtor respectfully requests this Court (i) set an emergency hearing on this Motion **on or before April 13, 2018**, (ii) grant the Motion and authorize the Debtor to

pay the Prepetition Wages of its Employees when such become due in the ordinary course of business, (iii) and for such other and further relief as is just and proper in the circumstances.

RESPECTFULLY SUBMITTED this 12th day of April, 2018.

/s/ Justin M. Luna, Esq.

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
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CASE NO.: 3:18-bk-01164-JAF
CHAPTER 11

EIHAB H. TAWFIK, M.D., P.A.,

Debtor.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the Debtor's DEBTOR'S EMERGENCY MOTION FOR AUTHORITY TO PAY PREPETITION WAGE CLAIMS AND REQUEST FOR EMERGENCY PRELIMINARY HEARING has been furnished either electronically or by facsimile and by U.S. First Class, postage prepaid mail to: **Eihab H. Tawfik, M.D., P.A.**, c/o Eihab H. Tawfik, 7394 West Gulf to Lake Highway, Crystal River, Florida 34429; Central Bank, c/o Megan W. Murray, Esq., 101 E. Kennedy Blvd., Suite 1700, Tampa, Florida 33602; all creditors as shown on the matrix attached hereto, and the U.S. Trustee, 400 W. Washington Street, Suite 1100, Orlando, Florida 32801, this 12th day of April 2018.

/s/ Justin M. Luna

Justin M. Luna, Esq.

Label Matrix for local noticing
113A-3
Case 3:18-bk-01164-JAF
Middle District of Florida
Jacksonville
Thu Apr 12 14:20:42 EDT 2018

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Springfield, IL 62703-4261

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Inverness FL 34450-4298

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Medicare Part B Overpayment
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Jacksonville, FL 32232-5248

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Superior, CO 80027-9441

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New York, NY 10038-5178

Lysoft Media
c/o Colonial Funding Network
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Jerry A. Funk
Jacksonville

(d)IBERIABANK
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Jacksonville, FL 32202-3658

(u)Note: Entries with a '+' at the end of the
name have an email address on file in CMECF

Note: Entries with a '-' at the end of the
name have filed a claim in this case

End of Label Matrix
Mailable recipients 64
Bypassed recipients 3
Total 67

EIHAB H TAWFIK, M.D., P.A.

PAYDAY TIMECARD SUMMARY

Company EIN: 20-3325340

Timecard Period: 03/11/2018-03/24/2018(03/30/2018)

Employee: ALL

Sort By: SSN

Employee		Earnings		Tax Deductions		Company		Voluntary Deductions		Company	
Type	CP	YTD	Type	CP	YTD	CP	YTD	CP	YTD	CP	YTD
***-0135											
SALARY	628.00	1144.00	FEDERAL WH	0.00	0.00	0.00	0.00	TOTAL	0.00	0.00	0.00
TOTAL	628.00	1144.00	SOC SEC	32.74	70.93	32.74	70.93				
			MEDICARE	7.66	16.59	7.66	16.59				
			FUTA	0.00	0.00	3.17	6.87				
			STATE UI	0.00	0.00	14.28	30.89				
			TOTAL	40.40	87.52	57.83	125.28				
***-0268											
SALARY	4038.48	8076.96	FEDERAL WH	715.45	1430.90	0.00	0.00	TOTAL	0.00	0.00	0.00
TOTAL	4038.48	8076.96	SOC SEC	250.38	500.76	250.38	500.76				
			MEDICARE	58.56	117.12	58.56	117.12				
			FUTA	0.00	0.00	17.77	42.00				
			STATE UI	0.00	0.00	79.98	160.00				
			TOTAL	1024.39	2048.78	406.67	848.88				
***-0622											
SALARY	2307.84	4615.68	FEDERAL WH	214.91	429.82	0.00	0.00	TOTAL	0.00	0.00	0.00
TOTAL	2307.84	4615.68	SOC SEC	143.09	286.18	143.09	286.18				
			MEDICARE	33.48	66.96	33.48	66.96				
			FUTA	0.00	0.00	13.85	27.70				
			STATE UI	0.00	0.00	62.31	124.62				
			TOTAL	391.48	782.96	252.71	505.42				
***-1644											
SALARY	1369.80	2739.60	FEDERAL WH	140.00	280.00	0.00	0.00	TOTAL	0.00	0.00	0.00
TOTAL	1369.80	2739.60	SOC SEC	84.93	169.86	84.93	169.86				
			MEDICARE	19.88	39.76	19.88	39.76				
			FUTA	0.00	0.00	8.22	16.44				
			STATE UI	0.00	0.00	36.98	73.96				
			TOTAL	244.79	489.58	140.99	281.96				
***-2187											
SALARY	1280.00	2560.00	FEDERAL WH	129.22	258.44	0.00	0.00	TOTAL	0.00	0.00	0.00
TOTAL	1280.00	2560.00	SOC SEC	79.36	158.72	79.36	158.72				
			MEDICARE	18.56	37.12	18.56	37.12				
			FUTA	0.00	0.00	7.68	15.36				
			STATE UI	0.00	0.00	34.66	69.32				
			TOTAL	227.14	454.28	140.16	280.32				
***-2191											
SALARY	539.88	1079.76	FEDERAL WH	40.41	80.82	0.00	0.00	ADVANCE	150.00	150.00	0.00
TOTAL	539.88	1079.76	SOC SEC	33.47	66.94	33.47	66.94	TOTAL	150.00	150.00	0.00
			MEDICARE	7.83	15.66	7.83	15.66				
			FUTA	0.00	0.00	3.24	6.48				
			STATE UI	0.00	0.00	14.58	29.16				
			TOTAL	81.71	163.42	55.12	110.24				

EXHIBIT "A"

EIHAB H TAWFIK, M.D., P.A.

PAYDAY TIMECARD SUMMARY

Company EIN: 20-3325340

Timecard Period: 03/11/2018-03/24/2018(03/30/2018)

Employee: ALL

Sort By: SSN

Employee	Earnings		Type	Tax Deductions		Company	YTD	Type	Voluntary Deductions		Company	YTD
	CP	YTD		CP	YTD				CP	YTD		
***-**-2348	SALARY	815.76	FEDERAL WH	37.51	134.38	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	TOTAL	515.76	SOC SEC	31.98	94.81	31.98	94.81					
			MEDICARE	7.48	22.13	7.48	22.13					
			FUTA	0.00	0.00	3.08	9.15					
			STATE UI	0.00	0.00	13.93	41.21					
			TOTAL	76.97	251.10	56.48	167.10					
***-**-2481	SALARY	828.01	FEDERAL WH	74.98	201.96	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	TOTAL	828.01	SOC SEC	51.34	129.54	51.34	129.54					
			MEDICARE	12.01	30.30	12.01	30.30					
			FUTA	0.00	0.00	4.87	12.54					
			STATE UI	0.00	0.00	22.38	58.42					
			TOTAL	138.33	361.80	90.68	229.80					
***-**-2602	SALARY	1049.24	FEDERAL WH	82.38	173.49	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	TOTAL	1049.24	SOC SEC	65.05	134.61	65.05	134.61					
			MEDICARE	15.21	31.48	15.21	31.48					
			FUTA	0.00	0.00	6.30	13.03					
			STATE UI	0.00	0.00	28.33	58.82					
			TOTAL	162.64	339.58	114.89	237.74					
***-**-2813	SALARY	1658.76	FEDERAL WH	177.45	274.23	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	TOTAL	1658.76	SOC SEC	102.84	165.44	102.84	165.44					
			MEDICARE	24.05	38.89	24.05	38.89					
			FUTA	0.00	0.00	9.95	16.01					
			STATE UI	0.00	0.00	44.79	72.05					
			TOTAL	304.34	478.36	181.63	292.19					
***-**-2990	SALARY	1100.00	FEDERAL WH	85.60	139.28	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	TOTAL	1100.00	SOC SEC	68.20	141.36	68.20	141.36					
			MEDICARE	15.85	33.06	15.85	33.06					
			FUTA	0.00	0.00	6.80	13.68					
			STATE UI	0.00	0.00	29.70	61.58					
			TOTAL	149.75	313.68	120.45	249.68					
***-**-3390	SALARY	1440.00	FEDERAL WH	113.36	204.58	0.00	0.00	TOTAL	0.00	0.00	0.00	0.00
	OVERTIME (15	27.99	SOC SEC	90.95	170.47	90.95	170.47					
	TOTAL	1467.99	MEDICARE	21.27	39.87	21.27	39.87					
			FUTA	0.00	0.00	8.80	16.50					
			STATE UI	0.00	0.00	39.61	74.24					
			TOTAL	225.58	414.92	180.63	301.08					

EIHAB H TAWFIK, M.D., P.A.

PAYDAY TIMECARD SUMMARY

Company EIN: 20-3325340

Timecard Period: 03/11/2018-03/24/2018(03/30/2018)

Employee: ALL

Sort By: SSN

Employee	Earnings				Tax Deductions				Voluntary Deductions			
	Type	CP	YTD	Type	CP	YTD	CP	YTD	Type	CP	YTD	Type
***-4066	SALARY	774.00	1532.04	FEDERAL WH	68.50	135.08	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	774.00	1532.04	SOC SEC	47.99	94.99	47.99	94.99				YTD
				MEDICARE	11.22	22.21	11.22	22.21				
				FUTA	0.00	0.00	4.64	8.18				
				STATE UI	0.00	0.00	20.80	41.37				
				TOTAL	127.71	252.28	84.75	167.76				
***-4242	SALARY	671.00	1232.00	FEDERAL WH	56.14	99.08	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	671.00	1232.00	SOC SEC	41.80	78.38	41.80	78.38				YTD
				MEDICARE	9.73	17.86	9.73	17.86				
				FUTA	0.00	0.00	4.03	7.40				
				STATE UI	0.00	0.00	18.12	33.27				
				TOTAL	107.47	183.32	73.48	134.91				
***-4309	SALARY	699.58	1472.56	FEDERAL WH	58.37	127.95	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	699.58	1472.56	SOC SEC	42.75	91.30	42.75	91.30				YTD
				MEDICARE	10.00	21.35	10.00	21.35				
				FUTA	0.00	0.00	4.14	8.84				
				STATE UI	0.00	0.00	18.82	38.76				
				TOTAL	111.12	240.80	75.51	161.25				
***-4387	SALARY	788.40	1708.35	FEDERAL WH	70.23	158.24	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	788.40	1708.35	SOC SEC	48.88	105.82	48.88	105.82				YTD
				MEDICARE	11.43	24.77	11.43	24.77				
				FUTA	0.00	0.00	4.73	10.26				
				STATE UI	0.00	0.00	21.28	46.13				
				TOTAL	130.54	288.83	86.33	187.07				
***-4818	SALARY	132.00	132.00	FEDERAL WH	0.00	0.00	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	132.00	132.00	SOC SEC	8.18	8.18	8.18	8.18				YTD
				MEDICARE	1.91	1.91	1.91	1.91				
				FUTA	0.00	0.00	0.79	0.79				
				STATE UI	0.00	0.00	3.56	3.56				
				TOTAL	10.09	10.09	14.44	14.44				
***-4821	SALARY	969.75	1508.00	FEDERAL WH	53.69	61.20	0.00	0.00	TOTAL	0.00	0.00	CP
	TOTAL	969.75	1508.00	SOC SEC	60.12	93.37	60.12	93.37				YTD
				MEDICARE	14.08	21.84	14.08	21.84				
				FUTA	0.00	0.00	5.82	9.04				
				STATE UI	0.00	0.00	26.18	40.68				
				TOTAL	127.87	176.41	106.18	164.91				

EIHAB H TAWFIK, M.D., P.A.

PAYDAY TIMECARD SUMMARY

Company EIN: 20-3325340

Timecard Period: 03/11/2018-03/24/2018(03/30/2018)

Employee: ALL

Sort By: SSN

Employee	Earnings				Tax Deductions				Voluntary Deductions			
	Type	CP	YTD	Type	CP	YTD	CP	YTD	Type	CP	YTD	Type
***-4863	SALARY	1285.72	2362.60	FEDERAL WH	129.91	238.38	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	1285.72	2362.60	SOC SEC	79.71	148.34	79.71	148.34				
				MEDICARE	18.64	34.89	18.64	34.89				
				FUTA	0.00	0.00	7.71	14.36				
				STATE UI	0.00	0.00	34.71	64.60				
				TOTAL	228.26	421.39	140.77	281.98				
***-5096	SALARY	333.00	333.00	FEDERAL WH	3.14	3.14	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	333.00	333.00	SOC SEC	20.65	20.65	20.65	20.65				
				MEDICARE	4.83	4.83	4.83	4.83				
				FUTA	0.00	0.00	2.00	2.00				
				STATE UI	0.00	0.00	6.99	6.99				
				TOTAL	28.62	28.62	36.47	36.47				
***-5366	SALARY	861.00	1648.50	FEDERAL WH	40.84	73.27	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	861.00	1648.50	SOC SEC	63.38	102.21	63.38	102.21				
				MEDICARE	12.46	23.90	12.46	23.90				
				FUTA	0.00	0.00	5.17	9.90				
				STATE UI	0.00	0.00	23.28	44.51				
				TOTAL	106.50	199.38	84.28	160.52				
***-5383	SALARY	1245.75	2359.50	FEDERAL WH	48.50	81.84	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	1245.75	2359.50	SOC SEC	77.24	146.29	77.24	146.29				
				MEDICARE	18.06	34.21	18.06	34.21				
				FUTA	0.00	0.00	7.47	14.16				
				STATE UI	0.00	0.00	33.64	63.71				
				TOTAL	143.80	262.34	136.41	258.36				
***-6030	SALARY	1175.00	1923.00	FEDERAL WH	40.01	40.01	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	1175.00	1923.00	SOC SEC	72.85	119.23	72.85	119.23				
				MEDICARE	17.04	27.89	17.04	27.89				
				FUTA	0.00	0.00	7.05	11.54				
				STATE UI	0.00	0.00	31.73	61.93				
				TOTAL	129.90	187.13	128.67	210.59				
***-6436	SALARY	2662.48	5000.32	FEDERAL WH	255.16	464.16	0.00	0.00	TOTAL	0.00	0.00	0.00
	TOTAL	2662.48	5000.32	SOC SEC	186.83	310.02	186.83	310.02				
				MEDICARE	39.04	72.50	39.04	72.50				
				FUTA	0.00	0.00	16.16	30.00				
				STATE UI	0.00	0.00	72.70	135.01				
				TOTAL	461.13	848.68	294.82	547.53				

EIHAB H TAWFIK, M.D., P.A.

PAYDAY TIMECARD SUMMARY

Company EIN: 20-3325340

Timecard Period: 03/11/2018-03/24/2018(03/30/2018)

Employee: ALL

Sort By: SSN

Employee		Earnings		Tax Deductions		Company		Voluntary Deductions		Company	
Type	CP	YTD	Type	CP	YTD	Type	CP	YTD	Type	CP	YTD
***-6379 SALARY	511.00	1206.36	FEDERAL WH	4.98	28.40	0.00	0.00	0.00	TOTAL	0.00	0.00
TOTAL	511.00	1206.36	SOC SEC	31.68	74.79	31.68	74.79			0.00	0.00
			MEDICARE	7.41	17.49	7.41	17.49				
			FUTA	0.00	0.00	3.07	7.24				
			STATE UI	0.00	0.00	13.80	32.88				
			TOTAL	44.07	120.68	55.96	132.10				
REPORT TOTAL SALARY	40755.81	78652.31	FEDERAL WH	4487.12	8636.91	0.00	0.00	ADVANCE	150.00	150.00	0.00
OVERTIME (15	27.00	27.00	SOC SEC	2528.51	4887.12	2528.51	4887.12	TOTAL	150.00	150.00	0.00
TOTAL	40782.81	78679.31	MEDICARE	591.34	1142.94	591.34	1142.94				
			FUTA	0.00	0.00	100.77	416.37				
			STATE UI	0.00	0.00	858.47	1873.57				
			TOTAL	7606.97	14666.97	4169.09	8320.00				